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 NEIL A. JENSEN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

NEIL A. JENSEN,)	CASE NO. 3:13-CV-05955-HSG
)	
Plaintiff,)	EX PARTE APPLICATION FOR
)	CONTINUANCE OF PRETRIAL
vs.)	CONFERENCE; PROPOSED ORDER
)	
BNSF RAILWAY COMPANY, a)	
corporation)	
)	Trial: October 26, 2015
Defendant.)	
)	

**TO: THE CLERK OF THE COURT AND DEFENDANT BNSF RAILWAY COMPANY,
 AND ITS ATTORNEYS OF RECORD,**

Pursuant to Civil Local Rule 7-10, Plaintiff NEIL A. JENSEN hereby requests that the Court continue the October 9, 2015 Pretrial Hearing to October 14-16, 2015, whichever date is convenient to the Court. As explained below, plaintiff's counsel will be in trial on another matter on October 9, 2015.

In support of his request, plaintiff's counsel Paula A. Rasmussen declares as follows:

1. September 21, 2015, Plaintiff's counsel Anthony S. Petru, lead counsel in this matter, began trial in the matter of *Shawn M. Palmer v. BNSF Railway Company*, California Superior Court, County of San Joaquin, Case No. CV029777. The *Palmer* trial was estimated to last 10-14 days. At the first day of trial, Mr. Petru learned that opposing counsel and Judge Carter

1 P. Holly required the courtroom be dark a number of days. Specifically Judge Holly requires three
2 days dark and counsel for defendant requires two. As such, trial will run through the week of
3 October 9, 2015. As lead counsel, Mr. Petru must attend the pretrial conference because no other
4 attorney is available to become sufficiently familiar with this case and its issues to appear at the
5 pretrial conference.

6 2. On September 23, the undersigned emailed defense counsel Cristina Ciminelli
7 and Steven S. Vahidi about the scheduling conflict, and proposed that the pretrial conference be
8 continued to October 14-16, 2015.

9 3. As of filing the instant Motion, counsel for Defendant has not responded.

10 4. Respectfully, Plaintiff requests the Court continue the currently scheduled
11 Pretrial conference to October 14-16, 2015, whichever is most convenient to the Court.

12 I declare under penalty of perjury under the laws of the United States of America that
13 the foregoing is true and correct.

14 Executed September 24, 2015, at Oakland, California.

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16 HILDEBRAND, McLEOD & NELSON, LLP

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19 By: _____
20 PAULA A. RASMUSSEN, ESQ.
21 Attorneys for Plaintiff
22 NEIL A. JENSEN
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ORDER

Good cause having been shown,

IT IS ORDERED that the pretrial conference currently set for October 9, 2015 at 3:00 pm., in Department 15, be rescheduled to the following: Wednesday, October 14, at 2:00 pm.

DATED: September 25, 2015

By: 

Honorable Haywood S. Gilliam, Jr.
United States District Court Judge

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